

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PATRICK M. GREVE)	
)	
v.)	NO. 3:16-0372
)	
AUSTIN BASS, et al)	

To: The Honorable William L. Campbell, Jr.

REPORT AND RECOMMENDATION

The Court presumes familiarity with the underlying facts of this case, which are also detailed in the Court’s memorandum and order of March 3, 2017 (Docket No. 47), and only those facts necessary for context are recited herein. This case was commenced by the filing of a complaint on February 25, 2016, which named John Doe Defendants One Through Five. Docket No. 1 at 2-4. No amendment was made identifying the John Doe Defendants, nor were any John Doe Defendants ever served. By order entered on March 26, 2018, a status/case management conference was set to among other things, address the status of the John Doe Defendants. Docket No. 71 at 1-2. The parties’ proposed joint case management order filed on July 10, 2018, included a statement by Plaintiff that he “does not oppose the dismissal of the John Doe Defendants.” Docket No. 75 at 3.

Because there has been no identification of or service upon any of the John Doe Defendants during the 2 ½ years this case has been pending, dismissal of those parties is appropriate under Fed. R. Civ. P. 4(m) (providing for dismissal upon failure to timely serve process) and the Court’s inherent authority. Based upon Plaintiff’s lack of opposition to dismissal of the John Doe

Defendants and the lack of any other effort to serve or prosecute those named parties, the undersigned Magistrate Judge respectfully recommends that the John Doe Defendants be DISMISSED from this case pursuant to Fed. R. Civ. P. 21.

ANY OBJECTIONS to this Report and Recommendation must be filed within fourteen (14) days of service of this Report and Recommendation and must state with particularity the specific portions of this Report and Recommendation to which objection is made. *See* Rule 72(b)(2) of the Federal Rules of Civil Procedure and Local Rule 72.03(b)(1). Failure to file written objections within the specified time can be deemed a waiver of the right to appeal the District Court's Order regarding the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Any response to the objections must be filed within fourteen (14) days after being served with a copy of such objections. *See* Federal Rule 72(b)(2) and Local Rule 72.03(b)(2).

Respectfully submitted,


BARBARA D. HOLMES
United States Magistrate Judge